

**ROBINSON BROG LEINWAND GREENE
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New York, New York 10022

A. Mitchell Greene
Steven B. Eichel

Attorneys for the Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

ARTISANAL 2015, LLC,

Case No: 17-12319-jlg

Debtor.

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**DECLARATION OF SHIMON PARIENTE IN SUPPORT OF DEBTOR'S
MOTION OBJECTING TO AC PENGUIN PRESTIGE CORP.'S MECHANIC'S LIEN**

Shimon Pariente, does hereby affirm the following under penalties of perjury:

1. I am a member of Artisanal 2015, LLC (the "Debtor"). I also serve as project manager in charge of the buildout of the space the Debtor leases at 387 Park Avenue South, New York, New York (the "Premises")

2. I am submit this declaration ("Declaration") in support of Debtor's Motion Objecting to AC Penguin Prestige Corp.'s Mechanic's Lien (the "Motion")

3. Except as otherwise set forth herein, the facts set forth in this Declaration are based on my personal knowledge and my review of the relevant documents.

4. Contrary to the assertions set forth in the Declaration of Arik Aflalo in Opposition to Motion Objecting to Mechanic's Lien and Declaration of Jose Rivera in Opposition to Motion Objecting to Mechanic's Lien, I never gave a key to Jose Rivera, an employee of AC Penguin Prestige Corp ("Penguin") to facilitate delivery of any ductwork. At no point in time did I ever

give access to or permission for any employee or representative of Penguin to the Premises.

5. Additionally, as of the date of this Declaration, no ductwork has ever been installed by any party, let alone Penguin, at the Premises. Attached as **Exhibit A** are true and correct copies of photographs taken by me on November 3, 2017 of the ceiling of the Premises which shows that no ductwork has been installed.

6. Finally, at no point in time was Penguin ever given authorization to fabricate ductwork on behalf of the Debtor nor was any deposit ever turned over to Penguin. Attached as **Exhibit B** is email correspondence dated April 28, 2017 between me and Mr. Aflalo indicating that Penguin was directed to not perform services on behalf of the Debtor.

I declare under penalty of perjury that the foregoing, and in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on November 6, 2017

/s/ Shimon Pariente
Shimon Pariente

EXHIBIT A





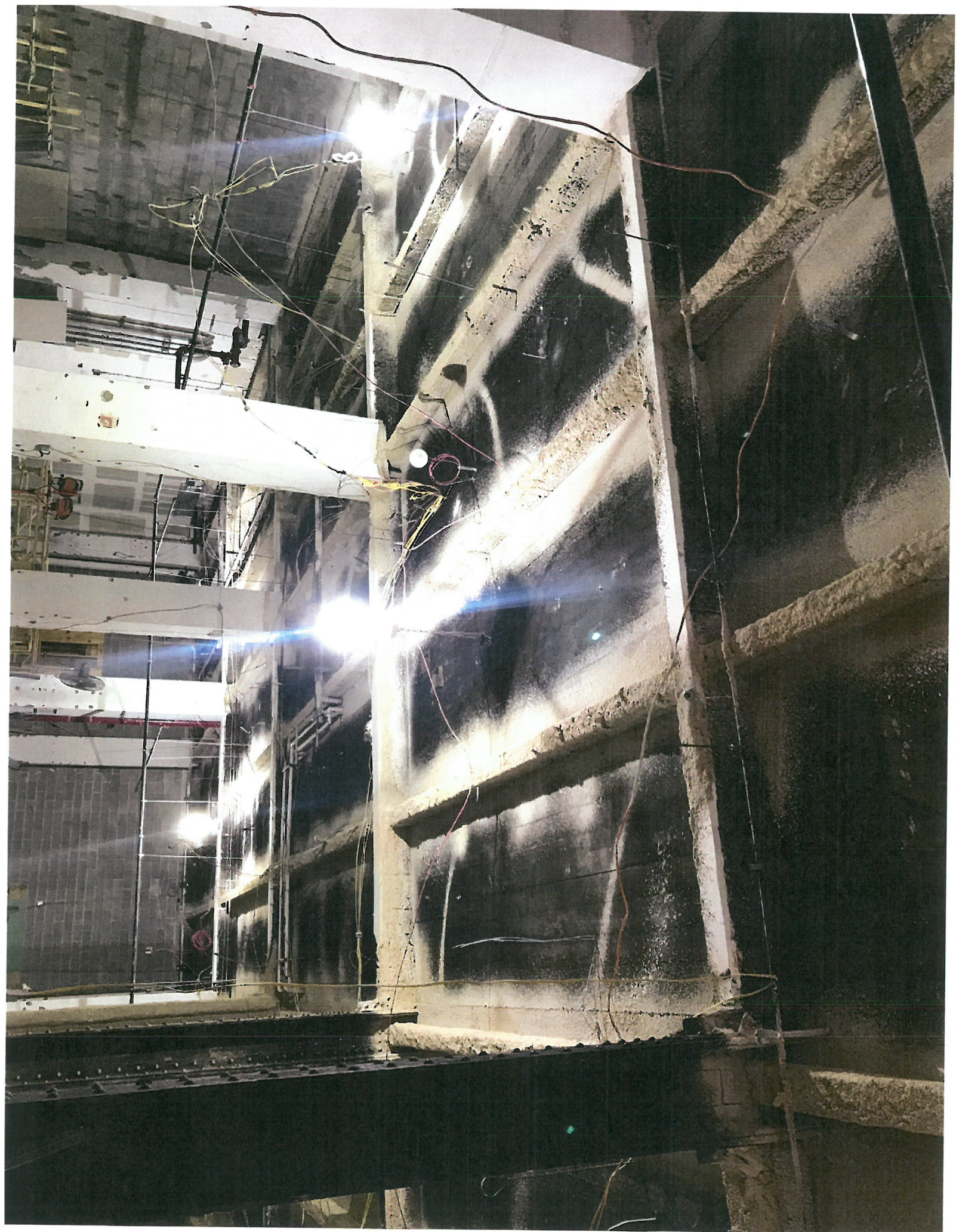






EXHIBIT B

Steven Eichel

From: Shimon Pariente <shimonpariente@gmail.com>
Sent: Wednesday, November 01, 2017 9:39 AM
To: Steven Eichel
Subject: Fwd: Fabricated Sheets/Ductwork for Artisanal Restaurant

----- Forwarded message -----

From: Shimon Pariente <shimonpariente@gmail.com>
Date: Fri, Apr 28, 2017 at 12:06 PM
Subject: Re: Fabricated Sheets/Ductwork for Artisanal Restaurant
To: Arik Aflalo <acpenguin.prestige@gmail.com>

I never told you to fabricate anything nor did I ever gave you a deposit for the job in fact the next day I told you to cancel everything since we not ready we will in touch if we ever decide to do the job with you. your pushing and effort to get the job doesn't help
Have a nice weekend

On Fri, Apr 28, 2017 at 11:54 AM Arik Aflalo <acpenguin.prestige@gmail.com> wrote:
Shimon,

All the fabricated sheets and duct work for the Artisanal Restaurant project is presently blocking our entrance at our premises. Please let us know whether we can arrange for this fabricated duct work can be delivered to the job site. I sent you several messages and texts, and I haven't yet received a response. Due to the blockage of our entrance, we are sending it to a storage area, so please advise ASAP.

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Sincerely,
Arik Aflalo, CEO
A/C Penguin Air Conditioning & Heating
TOLL: 855-234-3247
Tel: 212-560-5214
Fax: 212-501-2114
www.ac-pp.com